

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2017 JAN 10 P 2:01

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SO. DIST. OF GA.

UNITED STATES OF AMERICA           \*  
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MICHAEL DERRICK GOINS           \*

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O R D E R

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On May 21, 2015, Defendant Michael Derrick Goins was sentenced to serve a term of imprisonment of 151 months followed by 3 years of supervised release. Presently before the Court are two motions seeking a reduction of his sentence: one is based upon Amendment 782 to the United States Sentencing Guidelines, which implemented a two-level offense level reduction to a majority of the offense levels assigned to the drug quantities set forth in Section 2D1.1 of the Guidelines;<sup>1</sup> the other seeks a reduction for acceptance of responsibility under Section 5K1.1 of the Guidelines.

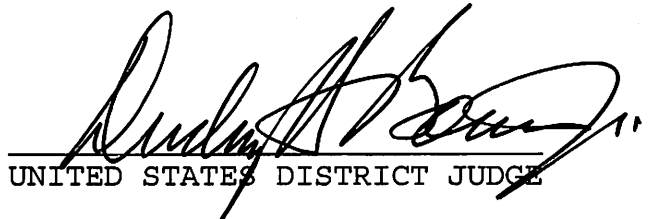
With only three exceptions, a court may not modify a sentence once it has been imposed. 18 U.S.C. § 3582(c). Under the first exception, a court may entertain a motion filed by the Director of the Bureau of Prisons under certain circumstances. 18 U.S.C. § 3582(c)(1)(A). The second exception references Rule 35 of the Federal Rules of Criminal Procedure for instances when correcting sentence is proper.

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<sup>1</sup> The Court already addressed and denied this same motion on January 27, 2016. (Doc. No. 380.)

18 U.S.C. § 3882(c)(1)(B). Rule 35 allows modification upon an order from an appellate court, upon a motion from the Government, or to correct a computational error within seven days of sentencing. Finally, under the third exception a court may reduce a sentence that was "based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 944(o)." 18 U.S.C. § 3582(c)(2). Defendant's requests for a reduction of his sentence do not fall within any of these exceptions. Accordingly, the Court is without authority to modify the Defendant's sentence as requested. His motions to reduce (doc. nos. 414 & 415) are therefore DENIED.

ORDER ENTERED at Augusta, Georgia, this 10<sup>th</sup> day of January, 2017.

  
UNITED STATES DISTRICT JUDGE